

ESTTA Tracking number: **ESTTA236853**

Filing date: **09/15/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Edgenuity, Inc.
Granted to Date of previous extension	09/14/2008
Address	465 South Matilda Suite 104 Sunnyvale, CA 94086 UNITED STATES
Attorney information	Susan D. Berney-Key Cooley Godward Kronish LLP 3000 El Camino Real, Five Palo Alto Square Palo Alto, CA 94306 UNITED STATES trademarks@cooley.com

Applicant Information

Application No	77289965	Publication date	03/18/2008
Opposition Filing Date	09/15/2008	Opposition Period Ends	09/14/2008
Applicant	Teach For America, Inc. 315 West 36th Street New York, NY 10018 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: personnel placement and recruitment of teachers; public advocacy to promote awareness of the importance of improving education

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	TEACH FOR ALL		
Goods/Services	Goods and services for promoting, supporting and advancing teaching, learning, curriculum and instruction in the educational field		

Attachments	NoticeofOppE.pdf (5 pages)(120799 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Susan D. Berney-Key/
Name	Susan D. Berney-Key
Date	09/15/2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application of

Teach for America, Inc.

Serial No.: 77/289,965

Filed: September 26, 2007

Mark: TEACH FOR ALL

Published in the Official Gazette on March
18, 2008

Opposition No. _____

NOTICE OF OPPOSITION

Edgenuity, Inc. (“Opposer”), a Delaware corporation with its principal office at 465 South Mathilda, Suite 104, Sunnyvale, California 94086, believes it will be damaged by registration of the pending application for the mark TEACH FOR ALL (Serial No. 77/289,965), filed by Teach for America, Inc. (“Applicant”), a Connecticut corporation with its principal office at 315 West 36th Street, New York, New York 10018, and opposes the registration of Applicant’s TEACH FOR ALL mark. In support of its notice of opposition, Opposer states as follows:

1. Opposer is the owner of the mark TEACH FOR ALL. Opposer has used the TEACH FOR ALL mark in U.S. commerce in connection with a variety of goods and services for promoting, supporting and advancing teaching, learning, curriculum and instruction in the educational field (hereinafter referred to as “Opposer’s educational goods and services”) since at least as early as 2003, and registered the domain names “teachforall.com,” “teachforall.org” and “teachforall.net” in connection with such goods and services in November 2003.

2. Prior to Applicant’s filing of an application for the TEACH FOR ALL mark, Opposer was contacted by Applicant regarding the TEACH FOR ALL mark, and Applicant was

made aware of Opposer's use of the mark in connection with Opposer's educational goods and services.

3. On September 26, 2007, Applicant filed an intent-to-use application for the mark TEACH FOR ALL in connection with "personnel placement and recruitment of teachers; public advocacy to promote awareness of the importance of improving education," in Class 35 (hereinafter referred to as "the subject application").

4. In November 2007, Opposer became aware that Applicant had filed the subject application, when Applicant contacted Opposer about potentially working out an arrangement regarding the use of the TEACH FOR ALL mark.

5. On April 17, 2008, Opposer filed its first 30-day Request to Extend Time to Oppose the registration of the Applicant's mark TEACH FOR ALL.

6. On May 9, 2008, Applicant, with the clear knowledge that Opposer had already objected to the subject application, filed a second application, Serial No. 77/470248, for the mark TEACH FOR ALL for the following goods and services:

Class 9: Information downloadable from the Internet in the field of education; sound and video recordings in the field of education, educational training, and educational research; computer software in the field of education, educational training, and educational research (based on intent to use);

Class 16: Instructional books and textbooks; workbooks; posters, photographs, stickers and decals; stationery (based on intent to use);

Class 36: Charitable fundraising (claiming a first use date of September 2007);

Class 41: Educational services, namely, providing educational programs, educational research, and teacher training programs; arranging workshops, conferences and seminars in the field of education, educational training, and educational

research; publishing services; providing online teacher training and educational materials (on the basis of intent to use)

9. On May 16, 2008, Opposer filed a 60-day Request to Extend Time to Oppose the registration of the Applicant's mark TEACH FOR ALL, and on July 16, 2008, Opposer filed a Consented 60-day Request to Extend Time to Oppose the subject application.

10. On information and belief, Applicant has not yet begun use of the TEACH FOR ALL mark in connection with the services listed in the subject application in the United States.

11. Opposer has been using the TEACH FOR ALL mark exclusively and continuously in connection with Opposer's educational goods and services in the United States since 2003.

12. As a result of Opposer's advertising and the high quality of the goods and services offered by Opposer to consumers in the United States, Opposer enjoys considerable goodwill in the TEACH FOR ALL mark. The TEACH FOR ALL mark is an inherently distinctive and strong mark that is associated with Opposer and its educational goods and services.

13. Applicant's TEACH FOR ALL mark is identical to Opposer's TEACH FOR ALL mark.

14. The "personnel placement and recruitment of teachers; public advocacy to promote awareness of the importance of improving education" services that Applicant intends to offer under the TEACH FOR ALL mark are similar and related to Opposer's educational goods and services.

15. Applicant's intended use of the TEACH FOR ALL mark in connection with "personnel placement and recruitment of teachers; public advocacy to promote awareness of the importance of improving education" services is likely to confuse the public as to the source and

origin of such services, and/or falsely suggests an association, connection, sponsorship, or relationship between Opposer and Applicant.

16. By reason of Opposer's longstanding, continued, and exclusive use of its TEACH FOR ALL mark prior to the filing date of the subject application, Opposer has prior and superior rights to Applicant in the TEACH FOR ALL mark.

17. Registration of Applicant's TEACH FOR ALL mark will cause substantial damage to Opposer's prior existing, superior, and valuable rights in the TEACH FOR ALL mark, and will interfere with Opposer's enjoyment of those rights.

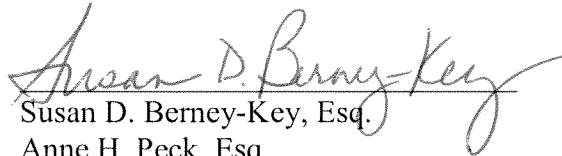
WHEREFORE, Opposer believes it will be damaged by the registration of Applicant's TEACH FOR ALL mark in the subject application, and requests that the Board deny registration of Applicant's mark.

Respectfully submitted,

COOLEY GODWARD KRONISH LLP

Date: September 15, 2008

By:



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Applicant: Teach for America, Inc.

Mark: TEACH FOR ALL

Serial No. 77/289,965

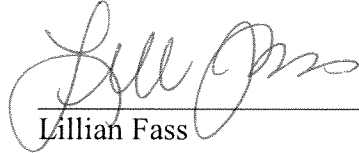
CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing Notice of Opposition to be mailed via United States Postal Service first class mail, postage prepaid to the following:

Susan Upton Douglass
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

Counsel for Teach for America, Inc.

Dated: September 15, 2008



Lillian Fass